

REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended claims 1, 8, and 11. Accordingly, claims 1-5, 8-9 and 11-15 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Examiner Objections – Specification

The specification was objected to because of several informalities. The Applicant thanks the Examiner for his careful review of the specification. In response, the Applicant has modified the Abstract. The Examiner's consideration of the amendments to the specification is respectfully requested.

Claim Rejections – 35 U.S.C. § 102(e)

Claims 1-4, 8-9 and 11-14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ishiguro (Publication no.: US 2003/0185397 A1). The Applicant has amended claims 1, 8, and 11 to better define the intended scope of the claimed invention. The Examiner's consideration of the amended claims is respectfully requested.

Claims 1, 8, and 11 have been amended and now recite that the service instance provides a service from a source to a plurality of clients. In addition, claims 1, 8, and 11 now recite moving the service instance one level higher to minimize a number of service instances necessary to provide the service to the clients. Support for the amendments is found on page, 1, lines 6-11 and page 2, lines 11-14 of the Applicant's specification.

The Applicant's invention provides a method, device and system for determining locations of service instances to optimize distribution of a service in a network. The Applicant's claimed invention accomplishes this by placing a service instance on a graph, checking whether the service instance when placed in a vertex on the next higher level can fulfil the requirements of all clients to be served by the service instance

and moving the service instance one level higher to minimize a number of service instances necessary to provide the service to the clients.

Ishiguro discloses a system method and program for allowing different systems to exercise secure control over the copyrights for content. In particular, Ishiguro manages the keys of devices and licenses based on an encryption process. The keys make up a hierarchical tree structure in which the leaves at the bottom level correspond to the keys of individual devices (see paragraph 142).

The Applicant's claimed invention provides a method, system and device for locating service instances, employ a graphical analysis, and move the service instances to maintain adequate coverage with the clients while minimizing the number of service instances necessary. Ishiguro does not provide any type of optimization of service instances.

The Examiner cites paragraph 142 and 143 for disclosing placing a service instance in each leaf of a graph. The Applicant respectfully disagrees with this characterization. The Examiner is equating a key with a service instance. However, as now recited in the claims, a service instance provides a service from a source to a plurality of clients. Ishiguro merely discloses the use of keys of devices, i.e., licenses. Licenses are not service instances as defined in the Applicant's specification. The nodes mentioned in Ishiguro are merely nodes of the graph, not nodes of a network. In addition, the Applicant's claimed invention involves locating the service instances. However, the keys of Ishiguro do not involve locating the keys, but rather managing the keys (licenses). Additionally, the Applicant's claimed invention provides the optimization of service instances by minimizing the number of service instances necessary to provide services to the clients. Ishiguro does not disclose optimizing the number of service instances.

Thus, Ishiguro does not disclose all of the elements of independent claims 1, 8, and 11. Claims 2-4 depend from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. Claim 9 depends from amended claim 8 and recites further limitations in combination with the novel elements of claim 8. Claims 12-14 depend from amended claim 11 and recite further limitations in

combination with the novel elements of claim 11. Therefore, the allowance of claims 1-4, 8-9 and 11-14 is respectfully requested.

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 5 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishiguro (Publication no.: US 2003/0185397 A1) in view of Moody (Publication no.: US 2005/0005272). The Applicant has amended claims 1 and 11 to better define the intended scope of the claimed invention. The Examiner's consideration of the amended claims is respectfully requested.

Claims 1 and 11 have been amended and now recite that the service instance provides a service from a source to a plurality of clients. In addition, claims 1 and 11 now recite moving the service instance one level higher to minimize a number of service instances necessary to provide the service to the clients. Support for the amendments is found on page, 1, lines 6-11 and page 2, lines 11-14 of the Applicant's specification.

In the Applicant's claimed invention as recited in the claims, a service instance provides a service from a source to a plurality of clients. Ishiguro merely discloses the use of keys of devices, i.e., licenses. Licenses are not service instances as defined in the Applicant's specification. In addition, the Applicant's claimed invention involves locating the service instances. However, the keys of Ishiguro do not involve locating the keys, but rather managing the keys (licenses). Additionally, the Applicant's claimed invention provides the optimization of service instances by minimizing the number of service instances necessary to provide services to the clients. Ishiguro does not disclose optimizing the number of service instances.

The addition of Moody does not make up the missing elements. Thus, Ishiguro and Moody, either individually or in combination, do not disclose all of the elements of independent claims 1 and 11. Claim 5 depends from amended claim 1 and recites further limitations in combination with the novel elements of claim 1. Claim 15 depends from amended claim 11 and recites further limitations in combination with the novel elements of claim 11. Therefore, the allowance of claims 5 and 15 is respectfully requested.

Prior Art Not Relied Upon

In paragraph 10 on page 7 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure. However, none of the prior art made of record includes all the elements recited in the independent claims 1, 8, and 11.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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